REMARKS

Claims 1-18 are pending. Claims 1, 7 and 13 are independent.

Claims 1, 4, 5, 7, 10, 11, 13, 16 and 17 have been rejected under 35 U.S.C. § 102(e) as having been anticipated by U.S. Patent No. 6,438,752 to McClard ("McClard").

Claims 1, 7 and 13, as amended, recite "adding a category from the first set to a second set of categories of broadcasted programs in response to selecting the category from the first set and tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program predetermined to be in the category from the first set," or similar language. McClard fails to disclose or describe at least this quoted claim feature.

The Examiner argues that the above quoted claim feature is present in McClard: "when a program is watched for a period of time the program is added to a frequency watch list is memory 56 of Figure 3 and along with the program name the type/genre is added to memory 56 thus the category of a program is added from a first set of categories in memory 54 to a second set of data that includes categories in memory 56." (Office Action dated August 1, 2006, page 3). Applicant respectfully disagrees and believes that the Examiner has mischaracterized McClard. In contrast to the Examiner's argument, McClard only discloses a system that records individual user preferences upon tuning into a program for a given amount of time:

> The method includes receiving an input signal from a viewer indicating the identity of the viewer, as shown in block 80. Next the method includes receiving an input signal from the identified viewer indicating the tuning to of a channel, as shown in block 82. If the channel remains tuned to for at least a predetermined time period, such as ten or fifteen minutes, the program and channel information is stored in a memory, as shown in block 84, thereby updating the identified viewer's past reception history every time a program is viewed for at least the determined time period. The program information includes the type/genre of the program and staring and ending time of the program. The channel information includes the channel number the program is displayed on.

> Essentially, each time a viewer, after having been identified by the viewer identifier 72, transmits an input signal 42 to select a channel, the processor 50, in addition to directing the tuner 60 to tune program receiver to the channel selected by the viewer, determines what type or genre the program is, as well as the running time of the program, from the program memory 54. If the channel remains tuned to for at least the predetermined period of time, the processor 50 then stores the running time of the program, and day of week of the program, the channel the program is displayed on, and the program genre of the program in the frequency memory 56. Over time, a statistical model of each identified

viewer's viewing preferences for each time of day of the week is developed. Thus, the statistical model is updated each time an identified viewer transmits an input signal 42 to select a channel and watches that channel for a predetermined time period. [McClard, col. 5, line 52 – col. 6, line 15]

This is very different from "adding a category from the first set to a second set of categories of broadcasted programs in response to selecting the category from the first set and tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program predetermined to be in the category from the first set." For example, McClard describes an identified user tuning to a channel, but fails to disclose "selecting the category from the first set and tuning a broadcasted program viewing device…to at least one broadcasted program predetermined to be in the category from the first set."

Accordingly, claims 1, 7 and 13 are not anticipated by McClard and claims 1, 7 and 13 are in condition for allowance, which action is requested.

Claims 4, 5, 10, 11, 16 and 17 depend upon, and add further limitations to, claims 1, 7 and 13. Accordingly, claims 4, 5, 10, 11, 16 and 17 are not anticipated by McClard and are in condition for allowance, which action is requested.

The Examiner also rejected claims 1, 7 and 13 under 35 U.S.C. § 102(e) as having been anticipated by U.S. Patent No. 6,971,119 to Arsenault et al ("Arsenault").

Claims 1, 7 and 13, as amended, recite "adding a category from the first set to a second set of categories of broadcasted programs in response to selecting the category from the first set and tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program predetermined to be in the category from the first set," or similar language. Arsenault fails to disclose or describe at least the quoted claim feature.

The Examiner argues that the above quoted claim feature is present in Arsenault: "Column 12 34-54 teaches storing the category of a program in a program selection history (second set); and Column 10 lines 44-67 and Column 11 lines 1-22 teach the conditional objects (which included category information) being stored in a guide database (first set) of the receiver." Applicant respectfully disagrees and believes that the Examiner has also

mischaracterized Arsenault. In contrast to the Examiner's argument, Arsenault only discloses an

electronic program guide and receiver that tracks user viewing history:

> Users select a particular channel to watch on television **66** using remote control **86**.
> Remote control **86** emits infrared signals that are received by infrared (IR) receiver **84** in
> receiver **64**. Other types of data entry devices may be alternatively be used, such as an
> ultra-high frequency (UHF) remote control, a keypad on receiver **64**, a remote keyboard
> and a remote mouse. Channels are preferably selected using remote control **86** to navigate
> around an electronic television program guide, such as program guide **100** shown in FIG.
> 4, which is generated by receiver **64** and displayed on television **66**. Channels may also
> be selected by entering a channel number with remote control **86**. [Arsenault, col. 11,
> lines 25-36]

> Receiver **64** preferably keeps track of a user's viewing history and stores this information
> in a selection history table in memory **78**. For each program that is shown in program
> guide **100**, receiver **64** stores a category descriptor that identifies the type or category of
> the program. Category descriptors preferably provide a two-tiered category classification,
> such as "sports/baseball" or "movie/drama", although any number of tiers may be used
> including single tiers. CPU **74** keeps track of the program selections made by users, and
> stores the category descriptors for selected programs in the selection history table. The
> selection history table is initially empty when receiver **64** is first purchased. Each time a
> user makes a program selection, CPU **74** adds the category descriptor for the selected
> program to the selection history table. CPU **74** also preferably keeps track of the amount
> of time each program is watched and stores the times in the selection history table. If
> programs are watched for a time that is less than a set threshold, such as 30 seconds, the
> category descriptors for those programs are not stored in the selection history table.
> [Arsenault, col. 12, lines 34-53]

This is very different from "adding a category from the first set to a second set of categories of

broadcasted programs in response to selecting the category from the first set and tuning a

broadcasted program viewing device, for a period of time at least equal to a first predetermined

threshold, to at least one broadcasted program predetermined to be in the category from the first

set." For example, Arsenault fails to describe "selecting the category from the first set and

tuning a broadcasted program viewing device... to at least one broadcasted program

predetermined to be in the category from the first set." Rather, Arsenault describes storing

program information in selection history, which includes a category descriptor, after a user

selects a channel or program for viewing from the program guide.

Accordingly, claims 1, 7 and 13 are not anticipated by Arsenault and claims 1, 7 and 13

are in condition for allowance, which action is requested.

Applicant : Yakov Kamen et al.
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The Examiner rejected claims 2, 6, 8, 12, 14 and 18 under 35 U.S.C. § 103(a) as being obvious over McClard in view of U.S. Patent No. 6,128,009 to Ohkura ("Ohkura").

As stated above, claims 1, 7 and 13, as ameneded, recite "adding a category from the first set to a second set of categories of broadcasted programs in response to selecting the category from the first set and tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program predetermined to be in the category from the first set," or similar language. As discussed above, McClard fails to teach or suggest at least this quoted claim feature. Ohkura fails to provide for this deficiency in McClard.

Ohkura teaches selecting genres from one list for display in another list by checking a box next the genre name:

> Meanwhile, in FIG. 19, check marks 69 are attached to eight genre candidate items of "book mark", "all", "movie", "news", "sports", "music", "variety" and "drama" of the genre candidate item area 68. In addition, in the registration display area 71, these eight genre candidate items are displayed as the registered genre item. [Ohkura, col. 28, lines 12-17]

This is very different from "*adding a category from the first set to a second set of categories* of broadcasted programs *in response to selecting the category from the first set and tuning a broadcasted program viewing device*, for a period of time at least equal to a first predetermined threshold, *to at least one broadcasted program predetermined to be in the category from the first set*." Ohkura fails to teach or suggest at least this quoted claim feature. Accordingly, claims 1, 7 and 13 are not obvious over McClard in view of Ohkura, whether taken separately or in combination.

Claims 2, 6, 8, 12, 14 and 18 depend upon, and add further limitations to, claims 1, 7 and 13. Accordingly, claims 2, 6, 8, 12, 14 and 18 are not obvious over McClard in view of Ohkura, whether taken separately or in combination for at least the reasons discussed above with respect to claims 1, 7 and 13.

The Examiner rejected claims 3, 9, and 15 under 35 U.S.C. § 103(a) as being obvious over McClard in view of U.S. Patent Application Publication No. 2004/0210932A1 to Mori et al ("Mori").

As stated above, claims 1, 7 and 13 recite "adding a category from the first set to a second set of categories of broadcasted programs in response to selecting the category from the first set and tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program predetermined to be in the category from the first set," or similar language. As discussed above, McClard fails to teach or suggest at least this quoted claim feature. Mori fails to provide for this deficiency in McClard.

Mori teaches an electronic program guide and recording apparatus that will pre-select and record broadcast programming according to user selection history:

> The preselection managing unit 22 manages user-specified automatic program preselection criteria and automatic program preselection criteria automatically generated by the automatic preselection criteria generating unit 24. Through this preselection managing unit 22, the user-specified automatic program preselection criteria received by the inputting unit 21 and the automatic program preselection criteria generated by the automatic preselection criteria generating unit 24 are stored into the automatic preselection criteria storing unit 37.
>
> The preselected program history storing unit 23 stores preselected program history information that shows a history of programs viewed or preselected for recording by the user in the past. [Mori, paragraphs 0195-0196]

This is very different from "adding a category from the first set to a second set of categories of broadcasted programs in response to selecting the category from the first set and tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program predetermined to be in the category from the first set." For example, Mori fails to teach or suggest "selecting the category from the first set and tuning a broadcasted program viewing device… to at least one broadcasted program predetermined to be in the category from the first set." Rather, Mori teaches the pre-selection of program criteria from which programs are automatically selected.

Accordingly, claims 1, 7 and 13 are not obvious over McClard in view of Mori, whether taken separately or in combination.

Claims 3, 9, and 15 depend upon, and add further limitations to, claims 1, 7 and 13. Accordingly, claims 3, 9, and 15 are not obvious over McClard in view of Mori, whether taken separately or in combination for at least the reasons discussed above with respect to claims 1, 7 and 13.

Thus, Applicant submits that all of the claims are in condition for allowance, which action is requested.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to Deposit Account No. 50-2324, referencing Attorney Docket No. 091451.00152.

Respectfully submitted,

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